THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2824 of 2006

DATED: 16-02-2006

Between:

Polamarasetti Pydiraju

S/o. late Sanyasi Naidu …Petitioner

And

The District Collector,

Visakhapatnam District

And four others …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2824 of 2006

ORDER:

The present writ petition is filed seeking to declare the action of the 2nd respondent in issuing the pattadar passbook by the 2nd respondent in favour of 5th respondent in respect of property covered by Survey No.75/1(75/1P) without conducting enquiry about the title over the property as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioner submitted that without conducting enquiry, record of right certificate bearing patta No.363 C No.475747 was issued by the Mandal Revenue Officer, Pendurthi in favour of 5th respondent in respect of 0.33 cents of the land in Survey No.75/1P.

It is stated that though several representations have been made by the petitioner previously, to issue pattadar pass book in his favour in respect of Survey No.75/1, but without considering the said representations, the patta is granted in favour of the 5th respondent. Admittedly, against an order of granting patta, an appeal lies before the Revenue Divisional Officer, under Section 5(5) of A.P. Rights in Land and Pattadar Passbook Act, 1971(for short 'the Act').

In view of the fact that an alternative statutory remedy is available to the petitioner, I am of the opinion that the approach of the petitioner before this court without exhausting the alternative statutory remedy, is a premature one and therefore, this writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. However, the petitioner is at liberty to seek his remedy under the provisions of the Act before the appropriate forum. No order as to costs.

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V. ESWARAIAH, J.

Dated: 16-02-2006.

RNS